



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2302241

Applicant Name: Brittani Ard

Address of Proposal: 4105 Whitman Ave. North

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two parcels into eight unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses has been issued under separate project #2205804.

The following approval is required:

Short Subdivision - To subdivide one existing parcel into eight unit lots.
(Chapter 23.24, Seattle Municipal Code)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction

BACKGROUND DATA

Site Description and Area Development

The subject property is approximately 9,600 square feet and is zoned Multi-family Residential Lowrise 2 (L2). The property is located on the corner of Whitman Ave. N. and N. 41st Street. Whitman Ave. N. and N. 41st St. are improved with curbs, gutters, and sidewalks on both sides

of the street. There is a 16-foot wide paved alley adjacent to the site. The site is currently occupied by a single-family residence and a 5-unit apartment building. A portion of the site is sloped and designated as steep slope area, which is a City of Seattle designated Environmentally Critical Area (ECA).

The surrounding neighborhood in the vicinity is mixed between single family, multi-family, and commercial, but is characterized largely by the Multi-Family Residential Lowrise (L-2) zone immediately north and south of the properties. Immediately to the west, fronting on Aurora Ave. N. properties are zoned Commercial 1-40 (C1-40) the area and to the east is zoned Single Family 5000 (SF 5000). In combination, these areas are developed with single family, multi-family, and commercial structures.

Proposal Description

The applicant proposes to short subdivide two parcels into eight unit lots. Proposed unit lot parcel sizes are: A) 1,310.0 square feet; B) 1,085.0 square feet; C) 985.0 square feet; D) 1,339.5 square feet; E) 1,339.4 square feet; F) 985.0 square feet; G) 1,085.0 square feet; and H) 1,310.0 square feet. Vehicular access to the site will be from an existing alley via a shared ingress, egress, and utility easement.

Public Comment

During the comment period, which ended on May 14, 2003, one written comment letter was received. The letter raised concerns about more development in the area and was opposed to the redevelopment of the site.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings, which follow, are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The existing parent lot subject to this subdivision conforms to all development standards of the L-2 zone. The parent lot configuration provides adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions.

2. *Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;*

Each of the proposed unit lots will have adequate access onto an existing alley via an ingress, egress, utility easement. The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

Seattle City Light provides electrical service to the subject property and has indicated an easement is required. The easement identified in the Seattle City Light memorandum, dated May 19, 2003 and "Exhibit A to the City of Seattle Short Subdivision Number 2302241" shall be included on the final plat prior to recording.

3. *Adequacy of water supply, sanitary sewage disposal, and drainage;*

Sanitary Sewer: The existing structures appear to be connected by a twinned sidesewer to an 8-inch public sanitary sewer (PSS) located in Whitman Ave. North. This mainline was originally constructed as a combined sewer, and as such, there are likely to be downspouts and area drains still connected to what is now considered, for purposes or new construction, a sanitary sewer.

Drainage: This area has been separated with the construction of a 12-inch public storm drain (PSD) on the near side of N. 41st Street. This mainline discharge to a Designated Receiving Water. Plan review requirements are made in association with the building permit application.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 03-0472 on May 9, 2003. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. Address signage shall be posted such that addresses for all units are visible from Whitman Ave. N. or N. 41st Street. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

There is a mapped steep slope area on site which is a City of Seattle Environmentally Critical Area. An exemption was approved, based on the slope being created by right-of-way improvements, prior to issuance of the building permit.

6. *Is designed to maximize the retention of existing trees;*

Not applicable, as the development of the subject site is permitted by approval of the associated building permit.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities, the following statement shall be required to be included as a note on the final short subdivision: *"The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."*

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate State statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.

2. The Seattle City Light easement described in the Seattle City Light memorandum dated May 19, 2003 and "Exhibit A to City of Seattle Short Subdivision No. 2302241" shall be included on the final plat prior to recording.
3. Insert the following on the face of the plat: *"The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."*
4. Record an easement or covenant with the final plat to ensure that address signage for all units is provided and maintained in a location visible from N. 41st Street and/or Whitman Ave. N.
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines, all ingress, egress, and utility easements, and pedestrian easements.

Signature: (signature on file) Date: July 24, 2003
Marie N. Kanikkeberg, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services